

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

WILLIAM E. DUGAN, <i>et al.</i> ,)	
)	
Plaintiffs,)	CIVIL ACTION
)	
vs.)	NO. 08 C 1011
)	
MAHONEY & ASSOCIATES, LLC,)	JUDGE ROBERT W. GETTLEMAN
an Illinois limited liability company,)	
)	
Defendant.)	

AFFIDAVIT

STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

DAVID S. BODLEY, being first duly sworn upon his oath, deposes and states:

1. He is now, and has since the first day of May, 1999, been employed by the Trustees of the Midwest Operating Engineers Fringe Benefit Funds as administrative manager, and in such capacity, has personal knowledge of the matters hereinafter set forth and if called as a witness in the instant proceedings is competent to testify in respect thereto.

2. He has read the Complaint filed in this cause, and knows of his own personal knowledge the contents of the collective bargaining agreements and Agreements and Declarations of Trust and all facts alleged therein, and if called and sworn as a witness is competent to testify thereto.

3. Among his responsibilities and duties, he is charged with keeping and

4. That he has examined the account of Defendant, MAHONEY &

- a. Is required to submit monthly contribution reports accompanied by payment of fringe benefit contributions, under the terms of a written agreement specifying and describing such obligation;
- b. Has failed to submit to Plaintiffs the monthly contribution reports and contributions required of it, or all of them, despite repeated notification from his office to said Defendant of such delinquency.

5. Because of the Defendant's failure to submit the required monthly

6. That in his capacity as Administrative Manager, he has become familiar

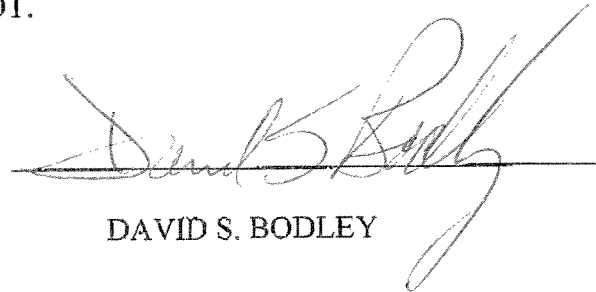
7. That absent the performance of an audit as requested, Plaintiffs have no

law, the actual contributions which Defendant is required to have made to Plaintiffs and which it has failed to make.

8. That he is duly authorized by Plaintiffs in the making of this Affidavit, has personal knowledge of the matters set forth above, and if called as a witness is competent to testify thereto.

9. That he makes this Affidavit in support of the application of Plaintiffs for an order requiring an audit of the payroll books and records of Defendant and requests that this Court consider it as proof in support of the allegations contained in the Complaint and such other facts as herein set forth.

FURTHER AFFIANT SAYETH NOT.

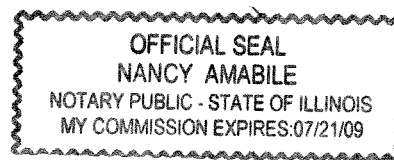


DAVID S. BODLEY

SUBSCRIBED AND SWORN to
before me this 19th
day of August 2008.



NOTARY PUBLIC



CERTIFICATE OF SERVICE

The undersigned, an attorney of record, hereby certifies that she electronically filed the foregoing document (Affidavit of David S. Bodley) with the Clerk of Court using the CM/ECF system, and further certifies that I have mailed the above-referenced document by United States Mail to the following non-CM/ECF participant on or before the hour of 5:00 p.m. this 26th day of August 2008:

Mr. Clinton Mahoney, Registered Agent/Manager
Mahoney & Associates, LLC
10809 Chaucer Drive
Willow Springs, IL 60480-1148

/s/ Catherine M. Chapman _____

Catherine M. Chapman
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